

JUL 12 1976

MICHAEL RODAK JR., CLERK

No. 75-1555

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1975

LENA ROSA KNECHT CONLEY, PETITIONER

v.

ROBERT E. HAMPTON,  
Chairman and Commissioner,  
Civil Service Commission;  
HENRY E. KISSINGER,  
Secretary of State,  
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT

REPLY BRIEF

Service of FIVE copies of MEMORANDUM FOR  
THE RESPONDENTS IN OPPOSITION is acknowl-  
edged.

Petitioner again respectfully prays that  
writ of certiorari issue to review fraud-  
ulent circumstances surrounding issuance  
of Treasurer of the United States Check,  
August 2, 1973, in Contested CSA-1 002 105,  
in the amount of \$12,023.49, attached to  
original submission.

LENA ROSA KNECHT CONLEY,  
pro se.

June 26, 1976.

#### OBJECTIONS PREVIOUSLY ANSWERED

Petitioner--without counsel--has made responses to Solicitor General's objections. Proof of consistent mental balance is in patient fortitude, with compassion and dignity, exhibited by her.

That there has been unconscionable abuse of discretion is evident to all, who say:

"You can't fight City Hall."

"Don't rock the boat!"

"Why dirty muddy waters?"

#### UNACCEPTABLE INVOLUNTARY RETIREMENT

Involuntary retirement for unrevealed disability is unacceptable. Government legislation was misconstrued as NO ALTERNATIVE WAS EVER OFFERED!

#### PETITIONER'S ALTERNATE SOLUTION

Solicitor General fails to note alternate of redeposit of United States Treasurer Check 4,799,315, August 2, 1973, \$12,023.49, in Contested CSA-1002105, into Retirement Fund giving credit for 4 years, 9 months denied work with reinstatement, GS-5, Step 10, Secretary, Department of State, Washington, D.C., OR immediate pension for 21 years' service and contributions of \$14,823.90 (\$2800.41 plus \$12,023.49) with renewed life and health insurance benefits (p. 52, Petition for Review, April 30, 1974).

#### WAIVER OF EXCESS OF \$10,000

Solicitor General fails to note petitioner offered to waive excess beyond \$10,000, Wolak v. United States, 366 F. Supp. 1106

(1973) (p. 11, Supplemental Reply Brief, December 23, 1975).

NOT BARRED BY STATUTE OF LIMITATIONS  
TOLLED BY FRAUD OR - JANUARY 4, 1971

If Statute of Limitations is not tolled by Government fraud, it could not begin until January 4, 1971, date Civil Service Commission accepted Dr. James J. Cavanagh's constant opinion rejected in 1966, which were capricious and arbitrary decisions. (See United States v. One 1961 Red Chevrolet Impala Sedan, 457 F.2d 1353 (1972). . . . "No cause of action generally accrued until....plaintiff has a right to enforce.. cause. The right to sue is hollow indeed until the right to succeed accompanies.." (p. 12, Supplemental Reply Brief, December 23, 1975)).

NOT GUILTY OF LACHES

Petitioner, a preference eligible, has continued--pro se--to assert rights as best she knew how, always cooperated, and never succumbed to frustrating depression in making timely responses.

Petitioner's immediate attempt to follow Civil Service Commission's October 4, 1972, notice that "any further remedies you may have are in the courts of the United States" by request for evidence of annuity offer from October 1966 to July 12, 1971, was met by Government obstruction: Check issued some ten months later was delayed when sent by Government to incorrect address.

"NOT SUBJECT TO REVIEW" MISINTERPRETED

Judicial review is not barred by 5 U.S.C. 8347(c) which:

1. Refers to administrative review only.
2. Cannot abrogate 5 U.S.C. 702 "A person suffering legal wrong because of agency action . . . is entitled to judicial review thereof."
3. Cannot void individual unalienable or inalienable rights guaranteed by the United States Constitution.

CERTIORARI SHOULD BE GRANTED

Obedience to "higher law" and demonstration that the United States is not yet a "totalitarian" highly centralized scheme of government require careful examination of this unacceptable and unwarranted involuntary retirement for unidentified disability that apparently never existed.

Petitioner respectfully prays that writ of certiorari be granted.

*Lena Rosa Knecht Conley*  
LENA ROSA KNECHT CONLEY,  
pro se.

June 26, 1976.

CERTIFICATE OF SERVICE

Printed copies in requisite number will be forwarded as soon as available, one copy now being forwarded with acknowledgement of receipt of five copies of MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION to the:

OFFICE OF THE SOLICITOR GENERAL  
Department of Justice  
Washington, D. C. 20530

*Lena Rosa Knecht Conley*  
LENA ROSA KNECHT CONLEY,  
pro se.

June 26, 1976.

LENA ROSA KNECHT CONLEY,  
300 W. 35th Street,  
Post Office Box 6092,  
Norfolk, Virginia 23508.

Phone: 804-622-4951.